

REMARKS

The application has been amended and is believed to be in condition for allowance.

This responds to the restriction requirement under PCT Rule 13.1. The Examiner has identified 4 groups which the Examiner states fail to share any single general inventive concept.

Claims 15-19 have been canceled without prejudice.

The claims to Groups III and IV (claims 15-19) are canceled as stated above, but may be made the subject of a divisional application, to be filed at any time during the pendency of the present application.

The Official Action further requires an election of species if the Applicant chooses to elect Group III. As the Applicant has chosen to elect Group I, for which no election of species is required by the Official Action, the species restriction of the Official Action is respectfully believed to be moot.

Provisional Election with Partial Traverse

Responsive to the requirement for restriction, Applicants provisionally elect Group I, claims 11-12 drawn to a method for preparing a non-pathogenic amoeba vesicle wherein the vesicle is not a *Dictyostelium discoideum* vesicle containing Hoechst 33342, with partial traverse.

It is respectfully submitted that the claims to Groups I and II correspond to a single invention in that Groups I and II share a single general inventive concept as required by PCT Rule 13.1.

Group I (claims 11-12) is directed to a method for preparing a non-pathogenic amoeba vesicle containing a molecule of interest, with the requirement that the vesicle is not a *Dictyostelium discoideum* vesicle containing Hoechst 33342.

Group II (claims 13-14) is directed to a non-pathogenic amoeba vesicle containing a molecule of interest, with the requirement that the vesicle is not a *Dictyostelium discoideum* vesicle containing Hoechst 33342.

Both Groups I and II require the special technical feature of a molecule of interest different from Hoechst 33342 in the vesicles, said molecule of interest allowing the therapeutic or diagnostic use of the vesicle.

The Official Action does not appear to dispute this, but rather seems not to have recognized this feature and rather focuses on another recitation which the Official Action states is not patentable.

The Official Action states that claims 11-12 of Group I cannot share a special technical feature with the other claims of the present application because claims 11-12 lack a special technical feature, and states that the claims of Group I lack a special technical feature because claims 11-12 are anticipated by

prior art. The Official Action offers the article "Dictyostelium discoideum cells shed vesicles with associated DNA and viral stain Hoechst 33342" (CMLS, Vol. 54, 1998, pages 476-487) as anticipating the subject matter of claims 11-12.

Applicants respectfully disagree. It is respectfully submitted that the vesicles prepared in the absence of Hoechst 33342, as disclosed in the reference, do not contain a molecule of interest. That is, the special technical feature of claims 11-12 is the presence of a molecule of interest different from Hoechst 33342 in the vesicles, said molecule of interest allowing the therapeutic or diagnostic use of the vesicle.

It is further respectfully submitted that the vesicle of claims 13-14 (Group II) is necessarily made by the process recited in claims 11-12 and, conversely, the process of claims 11-12 necessarily leads to the preparation of the vesicle claimed in claims 13-14.

In addition to satisfying PCT Rule 13.1, Groups I and II are both related and indistinct in conformance with MPEP §§ 802.01 and 806.

Accordingly, it is respectfully submitted that the restriction between Groups I and II is improper.

Withdrawal of the restriction requirement as to Group I and Group II is respectfully requested.

From the foregoing, it will be apparent that applicants have fully responded to the May 21, 2008 Official Action, and

that the application is in condition for examination with all of claims 11-14, and such is respectfully requested. In order to expedite the prosecution of this case, it is requested that the Examiner telephone the attorney for applicants at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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